

ASSEMBLY BILL

No. 2768

Introduced by Committee on Utilities and Commerce (Fuentes (Chair), Smyth (Vice Chair), Buchanan, Carter, Fletcher, Fong, Fuller, Furutani, Huffman, Skinner, Swanson, Torrico, and Villines)

February 25, 2010

An act to amend Sections 530, 534, 667, 669, 738, 4186, 5073.5, 5080.20, 5096.208, 5096.262, 6308, 6462, 7054, 7555, 9106, 13115, 22024, 25212, 25217.5, 31102, 32050, and 32054 of the Public Resources Code, and to amend Section 1803 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2768, as introduced, Committee on Utilities and Commerce. Vehicles: charter-party carriers: bus drivers.

Existing law requires the clerk of a court in which a person was convicted of specified violations to prepare and forward to the Department of Motor Vehicles an abstract of record of the court covering the case in which the person was convicted.

This bill would additionally require the clerk of the court to prepare and forward to the department an abstract of record of the court covering the case in which a person was convicted of driving a bus for a charter-party carrier without having a current and valid driver's license of the proper class, a passenger vehicle endorsement, or the required certificate.

Existing law establishes in the Public Resources Code various boards, commissions, and committees regarding, among other things, energy conservation, state parks, and state lands.

This bill would make technical, nonsubstantive changes to those provisions by replacing the term “chairman” with the gender neutral term “chair.”

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 530 of the Public Resources Code is
2 amended to read:

3 530. There is in the department the State Park and Recreation
4 Commission consisting of nine members appointed by the
5 Governor, subject to confirmation by the Senate. Whenever ~~any~~
6 a reference is made to the State Park Commission or Recreation
7 Commission pertaining to a duty, power, purpose, responsibility,
8 or jurisdiction of the State Park Commission or the Recreation
9 Commission, it shall be deemed to be a reference to and to mean
10 the State Park and Recreation Commission.

11 The commission ~~chairman~~ chair may appoint committees
12 composed of commission members and the duties of ~~such the~~
13 committees shall include, but not be limited to, those duties set
14 forth in Sections 539 and 540 ~~of this code~~. Findings and
15 recommendations of the committees shall be presented to the
16 commission for consideration and action.

17 SEC. 2. Section 534 of the Public Resources Code is amended
18 to read:

19 534. The commission shall elect a ~~chairman~~ chair from ~~their~~
20 ~~its~~ number who shall serve as ~~chairman~~ chair for one year and
21 until ~~his~~ a successor is elected.

22 SEC. 3. Section 667 of the Public Resources Code is amended
23 to read:

24 667. Each member of the board shall receive one hundred
25 dollars (\$100) for each day during which the member is engaged
26 in the performance of official duties. The compensation of each
27 member, except the compensation of the ~~chairman~~ chair, shall not,
28 however, exceed in any one fiscal year the sum of four thousand
29 dollars (\$4,000). The ~~chairman~~ chair of the board may receive
30 compensation of not to exceed five thousand dollars (\$5,000) in
31 any one fiscal year for the performance of official duties. In
32 addition to ~~such the~~ compensation, each member shall be

1 reimbursed for necessary traveling and other expenses incurred in
2 the performance of official duties.

3 SEC. 4. Section 669 of the Public Resources Code is amended
4 to read:

5 669. The Governor shall designate the ~~chairman~~ *chair* of the
6 board from among the members of the board. The person
7 designated as the ~~chairman~~ *chair* shall hold ~~such~~ *the* office at the
8 pleasure of the Governor. The board shall annually elect a vice
9 ~~chairman~~ *chair* from among its members.

10 SEC. 5. Section 738 of the Public Resources Code is amended
11 to read:

12 738. The Governor shall designate the ~~chairman~~ *chair* of the
13 board from among the members of the board. The person
14 designated as the ~~chairman~~ *chair* shall hold ~~such~~ *the* office at the
15 pleasure of the Governor. The board shall annually elect a vice
16 ~~chairman~~ *chair* from among its members.

17 SEC. 6. Section 4186 of the Public Resources Code is amended
18 to read:

19 4186. All money ~~which~~ *that* is received by ~~this~~ *the* state
20 pursuant to the *federal* Clarke-McNary Act and ~~which~~ *that* is
21 regularly allotted by the federal government according to an annual
22 formula shall be paid into the General Fund. Any supplemental
23 money received from the federal government pursuant to the
24 *federal* Clarke-McNary Act for use by the department for specially
25 designated projects shall be authorized by the Director of Finance
26 for augmentation of the subitem captioned "Reimbursements" of
27 the principal item of appropriation from the General Fund for the
28 support of the department contained in the Budget Act for the fiscal
29 year during which the supplemental money is received. However,
30 the Director of Finance ~~may~~ *shall* not authorize the augmentation
31 sooner than 30 days after notification in writing of the necessity
32 ~~therefor~~ *for the augmentation* to the ~~chairman~~ *chair* of the
33 committee in each house which considers appropriations and to
34 the ~~Chairman~~ *Chair* of the Joint Legislative Budget Committee or
35 sooner than any lesser time which the ~~chairman~~ *chair* of that
36 committee, or ~~his~~ *the chair's* designee, may in each instance
37 determine.

38 SEC. 7. Section 5073.5 of the Public Resources Code is
39 amended to read:

1 5073.5. The Governor shall establish a California Recreational
2 Trails Committee to advise the director in the development and
3 coordination of the system. The committee shall consist of seven
4 members appointed by the Governor. Two members shall be
5 selected from the northern, two members from the southern, and
6 two members from the central portions of the state, and one
7 member shall be selected at large. Members shall be selected from
8 lists submitted by private organizations—~~which~~ *that* have a
9 demonstrated interest in the establishment of recreation trails. The
10 ~~chairman~~ *chair* of the committee shall be elected by the members
11 from their membership.

12 SEC. 8. Section 5080.20 of the Public Resources Code is
13 amended to read:

14 5080.20. ~~No~~ A contract, including a contract entered into on
15 lands operated pursuant to an agreement entered into under Article
16 2 (commencing with Section 5080.30), ~~which~~ *that* is expected to
17 involve a total investment or estimated annual gross sales in excess
18 of five hundred thousand dollars (\$500,000), ~~may~~ *shall not* be
19 advertised for bid, negotiated, renegotiated, or amended in any
20 material respect unless and until all of the following requirements
21 have been complied with:

22 (a) The commission has reviewed the proposed services,
23 facilities, and location of the concession and determined that they
24 meet the requirements of Sections 5001.9 and 5080.03 and are
25 compatible with the classification of the unit in which the
26 concession will be operated.

27 (b) The Legislature has reviewed and approved the proposed
28 concession as part of the annual budget process or the requirements
29 of subdivision (c) have been complied with. ~~No~~ A proposed
30 concession shall *not* be submitted for review by the Legislature
31 until the commission has made its determination pursuant to
32 subdivision (a), unless deferring review by the Legislature would
33 be adverse to the interests of the public, in which case the
34 Legislature's review may precede the commission's determination.

35 (c) Following enactment of the Budget Bill, the board has
36 determined that the proposed concession could not have been
37 presented to the Legislature for review and approval in the course
38 of its consideration of the Budget Bill, or the proposed concession
39 was reviewed and approved but it is necessary to revise the terms
40 of the invitation to bid or the contract in a material respect, and

1 that it would be adverse to the interests of the public to defer that
2 review and approval to a time when the Legislature next considers
3 a Budget Bill. Upon making that determination, the board may
4 review and approve the proposed concession, or any revision
5 thereof, after giving at least 20 days' written notice to the ~~Chairman~~
6 *Chair* of the Joint Legislative Budget Committee and to the
7 ~~chairmen~~ *chair* of the fiscal and appropriate policy committees of
8 its intended action. All actions taken by the board pursuant to this
9 subdivision shall be reported to the Legislature in the next
10 Governor's Budget.

11 (d) The proposed concession is accompanied with
12 documentation sufficient to enable the Legislature, the commission,
13 and the board, as the case may be, to ascertain whether the
14 concession will conform to the requirements of this article and, as
15 to the Legislature and the board, to evaluate fully all terms on
16 which the concession is proposed to be let, including the rent and
17 other returns anticipated to be received.

18 SEC. 9. Section 5096.208 of the Public Resources Code is
19 amended to read:

20 5096.208. For the purpose of authorizing the issuance and sale,
21 pursuant to the State General Obligation Bond Law, of the bonds
22 authorized by this chapter, the Parklands Program Finance
23 Committee is hereby created. The committee consists of the
24 Governor, the ~~State~~ Controller, the Director of Finance, the ~~State~~
25 Treasurer, and the Secretary of the *Natural* Resources Agency.
26 For the purposes of this chapter, the Parklands Program Finance
27 Committee shall be "the committee" as that term is used in the
28 State General Obligation Bond Law, and the State Treasurer shall
29 serve as ~~chairman~~ *chair* of the committee. The Secretary of the
30 *Natural* Resources Agency is hereby designated as "the board"
31 for the purposes of the State General Obligation Bond Law.

32 SEC. 10. Section 5096.262 of the Public Resources Code is
33 amended to read:

34 5096.262. For the purpose of authorizing the issuance and sale,
35 pursuant to the State General Obligation Bond Law, of the bonds
36 authorized by this chapter, the Parklands Program Finance
37 Committee is hereby created. The committee consists of the
38 Governor, the Controller, the Director of Finance, the Treasurer,
39 and the Secretary of the *Natural* Resources Agency. For the
40 purposes of this chapter, the Parklands Program Finance Committee

1 shall be “the committee” as that term is used in the State General
2 Obligation Bond Law, and the Treasurer shall serve as ~~chairman~~
3 *chair* of the committee. The Secretary of the *Natural* Resources
4 Agency is hereby designated as “the board” for the purposes of
5 the State General Obligation Bond Law.

6 SEC. 11. Section 6308 of the Public Resources Code is
7 amended to read:

8 6308. ~~Whenever~~ *When* an action or proceeding is commenced
9 by or against a county, city, or other political subdivision or agency
10 of the ~~State~~ *state* involving the title to or the boundaries of tidelands
11 or submerged lands that have been or may hereafter be granted to
12 it in trust by the Legislature, the State of California shall be joined
13 as a necessary party defendant in ~~such~~ *the* action or proceeding.
14 Service of summons shall be made upon the ~~chairman~~ *chair* of the
15 State Lands Commission and upon the Attorney General, and the
16 Attorney General shall represent the ~~State~~ *state* in all ~~such~~ *the*
17 actions or proceedings. If judgment is given against the ~~State~~ *state*
18 in ~~any~~ *such* *the* action or proceeding, ~~no~~ costs ~~can~~ *shall not* be
19 recovered from the ~~State~~ *thereunder* *state*.

20 SEC. 12. Section 6462 of the Public Resources Code is
21 amended to read:

22 6462. Service of summons in ~~any~~ *such* *a* suit shall be upon the
23 ~~Chairman~~ *chair* of the State Lands Commission and *the* Attorney
24 General and it shall be the duty of the Attorney General to represent
25 the ~~State~~ *state* in ~~such~~ *the* suit.

26 SEC. 13. Section 7054 of the Public Resources Code is
27 amended to read:

28 7054. ~~Any~~ *An* order to lease made by the governing body shall
29 authorize and direct the execution and delivery by the ~~chairman~~
30 *chair* or other presiding officer of a lease to the lessee.

31 SEC. 14. Section 7555 of the Public Resources Code is
32 amended to read:

33 7555. In ~~any~~ *a* case where the ~~State~~ *state* has sold lands
34 acquired by it as swamp and overflowed lands, the person claiming
35 or deraining title to any lands through or under ~~any~~ *a* purchase
36 thereof from the ~~State~~ *state* may bring suit against the ~~State~~ *state*
37 in ~~any~~ *a* court of competent jurisdiction of the ~~State~~ *state* to
38 establish the boundaries of, and to quiet title to, the land or ~~any~~ *a*
39 portion thereof, and may prosecute ~~such~~ *the* suit to final judgment.
40 The complaint in ~~any~~ *such* *the* action shall contain a plat of the

1 property described therein, which plat shall show the location of
2 the property in respect to a section corner, the location of which
3 is shown on an approved United States Government township plat,
4 or in respect to a monument ~~which~~ *that* has been established by
5 reference to ~~any such~~ *a* section corner.

6 Service of summons in ~~such~~ *the* suits shall be made upon the
7 ~~Chairman~~ *chair* of the State Lands Commission and upon the
8 Attorney General, and the Attorney General shall represent the
9 ~~State~~ *state* in ~~all such~~ *the* suits.

10 ~~No costs~~

11 ~~Costs~~ against the ~~State~~ *state* shall *not* be allowed in ~~any such~~ *the*
12 suit.

13 SEC. 15. Section 9106 of the Public Resources Code is
14 amended to read:

15 9106. The commission shall elect a ~~chairman~~ *chair* from ~~their~~
16 *its* number who shall serve as ~~chairman~~ *chair* for one year and
17 until ~~his~~ *the chair's* successor is elected.

18 SEC. 16. Section 13115 of the Public Resources Code is
19 amended to read:

20 13115. The bonds shall be signed by the ~~chairman~~ *chair* of the
21 board and countersigned by the clerk of the board or ~~his~~ *the clerk's*
22 deputy and the coupons shall be signed by the clerk of the board
23 or ~~his~~ *the clerk's* deputy. All signatures, except that of the clerk,
24 on the bonds may be printed, lithographed, or engraved. If ~~any an~~
25 officer whose signature appears on the bonds or coupons ceases
26 to be ~~such an~~ officer before the delivery of the bonds, ~~his~~ *the*
27 signature is as effective as if ~~he~~ *the officer* had remained in office.
28 All bonds shall be payable at the office of the county treasurer,
29 who is the depositary of the district.

30 SEC. 17. Section 22024 of the Public Resources Code is
31 amended to read:

32 22024. The commission shall select from among its members
33 a ~~chairman~~ *chair* and a vice ~~chairman~~ *chair*.

34 SEC. 18. Section 25212 of the Public Resources Code is
35 amended to read:

36 25212. Every two years the Governor shall designate a
37 ~~chairman~~ *chair* and vice ~~chairman~~ *chair* of the commission from
38 among its members.

39 SEC. 19. Section 25217.5 of the Public Resources Code is
40 amended to read:

1 25217.5. The ~~chairman~~ *chair* of the commission shall direct
2 the adviser, the executive director, and other staff in the
3 performance of their duties in conformance with the policies and
4 guidelines established by the commission.

5 SEC. 20. Section 31102 of the Public Resources Code is
6 amended to read:

7 31102. The Secretary of the *Natural* Resources Agency shall
8 select one of the public members to serve as the ~~chairman~~ *chair*
9 of the conservancy. The public member shall serve as ~~chairman~~
10 *chair* at the pleasure of the secretary. A majority of the total
11 authorized membership of the conservancy shall constitute a
12 quorum for the transaction of any business under this division.
13 The conservancy shall adopt its own regulations.

14 SEC. 21. Section 32050 of the Public Resources Code is
15 amended to read:

16 32050. (a) There is in state government the California Urban
17 Waterfront Area Restoration Financing Authority. The authority
18 constitutes a public instrumentality and a political subdivision of
19 the ~~State of California~~ *state*, and the exercise by the authority of
20 powers conferred by this division is the performance of an essential
21 public function.

22 (b) The authority shall consist of five members, the Director of
23 Finance, the Controller, the Treasurer, the Secretary of the *Natural*
24 Resources Agency, and the executive director of the conservancy.
25 The Treasurer shall serve as ~~chairman~~ *chair* of the authority.

26 (c) Each of the members of the authority may select a designee
27 from the member's agency to act for the member and represent
28 the member at all meetings of the authority.

29 (d) The first meeting of the authority shall be convened by the
30 Treasurer.

31 SEC. 22. Section 32054 of the Public Resources Code is
32 amended to read:

33 32054. The ~~chairman~~ *chair* shall appoint an executive director
34 who shall not be a member of the authority and who shall serve at
35 the pleasure of the authority and shall employ the staff of the
36 conservancy and other necessary persons to enable the authority
37 to properly perform the duties imposed upon it by this division.
38 The executive director shall receive compensation as fixed by the
39 authority. The authority may delegate to the executive director the
40 power to enter contracts on behalf of the authority.

1 SEC. 23. Section 1803 of the Vehicle Code is amended to read:

2 1803. (a) (1) The clerk of a court in which a person was
3 convicted of a violation of this code, was convicted of a violation
4 of subdivision (a), (b), (c), (d), (e), or (f) of Section 655 of the
5 Harbors and Navigation Code pertaining to a mechanically
6 propelled vessel but not to manipulating any water skis, an
7 aquaplane, or similar device, was convicted of a violation of
8 Section 655.2, 655.6, 658, or 658.5 of the Harbors and Navigation
9 Code, ~~or~~ a violation of subdivision (a) of Section 192.5 of the Penal
10 Code, *or a violation of subdivision (b) of Section 5387 of the Public*
11 *Utilities Code*, was convicted of an offense involving use or
12 possession of controlled substances under Division 10
13 (commencing with Section 11000) of the Health and Safety Code,
14 was convicted of a felony offense when a commercial motor
15 vehicle, as defined in subdivision (b) of Section 15210, was
16 involved in or incidental to the commission of the offense, or was
17 convicted of a violation of any other statute relating to the safe
18 operation of vehicles, shall prepare within 5 days after conviction
19 and immediately forward to the department at its office at
20 Sacramento an abstract of the record of the court covering the case
21 in which the person was so convicted. If sentencing is not
22 pronounced in conjunction with the conviction, the abstract shall
23 be forwarded to the department within 5 days after sentencing and
24 the abstract shall be certified by the person so required to prepare
25 it to be true and correct.

26 (2) For the purposes of this section, a forfeiture of bail shall be
27 equivalent to a conviction.

28 (b) The following violations are not required to be reported
29 under subdivision (a):

30 (1) Division 3.5 (commencing with Section 9840).

31 (2) Section 21113, with respect to parking violations.

32 (3) Chapter 9 (commencing with Section 22500) of Division
33 11, except Section 22526.

34 (4) Division 12 (commencing with Section 24000), except
35 Sections 24002, 24004, 24250, 24409, 24604, 24800, 25103,
36 26707, 27151, 27315, 27360, 27800, and 27801 and Chapter 3
37 (commencing with Section 26301).

38 (5) Division 15 (commencing with Section 35000), except
39 Chapter 5 (commencing with Section 35550).

1 (6) Violations for which a person was cited as a pedestrian or
2 while operating a bicycle or a motorized scooter.

3 (7) Division 16.5 (commencing with Section 38000), except
4 Sections 38301, 38301.3, 38301.5, 38304.1, and 38504.1.

5 (8) Subdivision (b) of Section 23221, subdivision (b) of Section
6 23223, subdivision (b) of Section 23225, and subdivision (b) of
7 Section 23226.

8 (c) If the court impounds a license or orders a person to limit
9 his or her driving pursuant to subdivision (d) of Section 40508,
10 the court shall notify the department concerning the impoundment
11 or limitation on an abstract prepared pursuant to subdivision (a)
12 of this section or on a separate abstract, that shall be prepared
13 within 5 days after the impoundment or limitation was ordered
14 and immediately forwarded to the department at its office in
15 Sacramento.

16 (d) If the court determines that a prior judgment of conviction
17 of a violation of Section 23152 or 23153 is valid or is invalid on
18 constitutional grounds pursuant to Section 41403, the clerk of the
19 court in which the determination is made shall prepare an abstract
20 of that determination and forward it to the department in the same
21 manner as an abstract of record pursuant to subdivision (a).

22 (e) Within 5 days of an order terminating or revoking probation
23 under Section 23602, the clerk of the court in which the order
24 terminating or revoking probation was entered shall prepare and
25 immediately forward to the department at its office in Sacramento
26 an abstract of the record of the court order terminating or revoking
27 probation and any other order of the court to the department
28 required by law.

29 ~~(f) This section shall become operative on October 1, 2008.~~